



Refugee Law Project

Faculty of Law, Makerere University



Briefing
Paper
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REPATRIATION EXERCISE IN RHINO CAMP REFUGEE SETTLEMENT, ARUA DISTRICT

INTRODUCTION

The Refugee Law Project (RLP) Legal Aid and Counseling (LAC) Department conducted in-depth interviews in Mid March 2007 with refugees living in the Camp, with the neighbouring host community local leaders, government and UN officials and NGO staff working in the settlement.

The purpose of the field trip places emphasis on the welfare of refugees and the host community in the wake of repatriation. During the course of the study, the LAC team had a second chance¹ to witness the ongoing repatriation of Sudanese refugees and investigate conclusively the perceptions of the Sudanese refugees on the issues of return and reintegration. The settlement is gradually becoming less and less populated.

The following represents findings related to the most salient issues that emerged from the visit to Rhino Refugee Settlement Camp, Arua and will be followed by a more in-depth analysis in report form. This preliminary document is circulated so as to inform the key stakeholders of the issues that prevailed in Rhino Refugee Settlement Camp in the face of the ongoing repatriation at the time of the visit. Feel free to write back any comments on this paper within the time space of two weeks from date of receipt as a final report will be circulated in this regard and uploaded on our website.

1. The repatriation exercise in general

Summary of Findings

Since our previous visit many of the problems with the processing of people for repatriation have been addressed, and the process has become smoother and quicker, despite the overall rise in numbers returning. Instead of one trip per week as was the case in July and August 2006 and about 150 refugees per trip, the UN now does two trips in a week of 300² refugees per trip and it was on its 5th Convoy so far.

Other issues closely related with repatriation were observed:

- Refugees who had registered and those who had not yet registered clearly stated that the process was purely voluntary in nature and that it was their duty to decide whether or not to register for the same.
- The UN has adopted a liberal policy which allows refugees to load unlimited kilograms of food items on the trucks bearing in mind the food situation in Sudan. It was also aware of the refugees' 'dealing' and did encourage those who had more than five small animals³ (in this case goats and sheep) to give to their friends or relatives to hold and register as their own for clearance and transit purposes. The refugees, however, do have to deal with the transportation of cows on their own in view of the logistical implications which have been a constraint in the repatriation exercise on the part of the UN⁴.

¹ Some of the LAC members on the team had been to the Rhino Camp in late July and early August 2006 and had witnessed the repatriation exercise at the time.

² From an interview with the UN official, 300 is always the target but the same can shoot up and is allowable depending on the availability of space.

³ The UN policy allows for transportation of only small animals restricted to a small number of 5.

⁴ At the very start of the repatriation exercise, the UN faced a transportation problem due to having only a limited number of trucks. It did appeal to the public hire out their trucks for the same purpose however; the response was not encouraging thus the restrictions.

- Complaints/problem cases were few. They centered mostly on unregistered new- born, family members who had missed out on the verification process because they had moved out of the camp or children and relatives who were brought or came in after the registration process. However, complaints were diligently handled and some cleared by being given the benefit of the doubt.
- The refugees were still skeptical about the spontaneous return process and all opted for the voluntary repatriation mainly because of the financial constraints; however, the UN still encouraged them to self repatriate on a spontaneous basis.
- Basic information for those returning home was posted at the notice boards by NRC. There was also word that the cluster administration and volunteers are charged with giving basic information on the prevailing situation in Sudan, in their respective areas especially for those who could not access the notice boards or missed out on certain information that had been posted. JRS also provided basic information to refugees with regard to the situation in Sudan especially the students under their sponsorship and wished to repatriate.
- Mine Risk Education is no longer conducted at the landing site/repatriation centre, but is now given at the way stations by ARC. This appears to be working much better.

Recommendations:

- Apart from the use of the notice boards which are located in just a few places within this settlement of 225 square kilometers, it would be commendable to adopt a more vibrant strategy of outreach programmes and information sessions. This could include going from cluster to cluster as to reach most of the refugees registered and those contemplating registration as the centres where the notice boards are located may not be accessed by all considering the distance, health conditions and age⁵.

2. Security in the wake of repatriation

Summary of findings

From the interviews conducted, those refugees who remained did express concerns for their own security. With many families leaving for Sudan, the clusters are left sparsely populated, and there were a number of cases of reported thefts by the host community. The host community was reported to have taken advantage of the repatriation exercise to steal as the population became less and less. Mechanisms to handle the complaints are ineffective as victims and sometimes the perpetrators are either about to leave or have left on repatriation. The vacant houses have also become hideouts for criminals who use the settlement as a place of shelter or concealment.

A related issue is that a considerable number of refugees who were on the Refugee Welfare Council (the dispute settling body in the camp) have repatriated, leaving the Welfare Council with vacant posts.

Recommendations to the government & all actors:

- Start and speed up the re-clustering process urgently
- Inform the neighbouring host communities of the consequences of their acts and reprimand any offenders coupled with a campaign against such criminal acts with the involvement of the area Local Councils.
- Put in place mechanisms to handle the said complaints in the interim by increasing the number of police officers in the settlement.
- Encourage/facilitate the Refugee Welfare Council to recruit persons to fill the vacancies occasioned by the departure of the post holders..

3. Unregistered cases in the wake of repatriation

⁵ The elderly in this case did mention that when information is posted on the boards, they do not have the strength to walk to the centres where the information is posted and by the time the message reaches them through other sources, the same is distorted. The pregnant women and the sick as well should be considered.

Summary of findings

Many a number of interviewees expressed concern over unregistered cases in the settlement. These include Sudanese who came to Uganda in 2003 to 2006 and are unregistered, without status and yet settled in the camp. There are different circumstances under which they came to Uganda including the search and quest for quality education which is a major pull factor for the teenagers. However, there are genuine refugee claims that are not registered and do not know their fate to date. These categories of persons do not receive any kind of assistance from the UN and NGOs working in the camp because they are unregistered. Some are family members of those who have already registered for repatriation, but they face problems getting themselves registered for repatriation. As a result, some families have decided to stay back in the hope that their unregistered family members will be able to get registered soon. They also mistake any drop in organizations as those registering the unregistered.

From the previous visit and discussion with the UN, it is said that the government intends to constitute an emergency Refugee Eligibility Committee in the settlement to handle this problem.

Another category of unregistered refugees are those who were initially registered as refugees but missed out on verification exercises because they were not in the settlement at the time of verification(s). The current data base in the settlement is based on the outcome of the verification exercise. As a result an estimated 800 cases have been left out and stranded in the camp. At the time of our visit the RWC II had compiled and forwarded a list of this category to the camp commandant but nothing had been done to rectify the situation.

Recommendations to the government

- To constitute the REC as soon as possible to look into this problem and issue status to those that deserve it.
- Inform the unregistered undeserving cases the consequences of their stay in Uganda, reasons for denial of status as well and the need for them to regularize their stay in Uganda with the Immigration Department.
- Draw a line between the voluntary migrants and the refugees in the settlement
- UN to revisit its data on verification in comparison with its earlier registration date so as to harmonize their records.

4. Inter marriages⁶ in the wake of repatriation

Summary of findings

A host of interviews conducted with both nationals and refugees indicates that where they have married each other they face a dilemma vis-à-vis repatriation. Where the husband is a national no problems arise as the society is patrilineal and the wife (Sudanese) is expected to move to his place of abode.⁷ Where the wife is a national, it has been argued that repatriation is only for Sudanese and as a result there is need for recognized documents attesting to their union. The situation is even worse where it involves a male national wishing to emigrate to Sudan with his Sudanese wife. Those in the union described the procedure of obtaining the necessary documents as a 'nightmare'. Whereas nationals do not know what to do in such circumstances, the Sudanese have managed to repatriate with children of the said union with or without the knowledge of the other spouse. The refugees claim that their national spouses in most cases have been turned away from the landing

⁶ There are so many cases of inter marriages which cut across all the nationalities in the settlement that is to say Ugandans marrying Sudanese, Sudanese marrying Kenyans, Sudanese marrying Congolese.

⁶ Most of the residents of Tika missed out on the vaccination especially the elderly, pregnant women and the young children. The LAC visited the centre which is at Olujobo and confirmed that the allegation was true wherein the medical personnel admitted that it was largely due to the distance. However they said that the health centre had drugs (tablet form) as the situation was controlled and the vaccination was out of stock. They also said that this information had not been disseminated to the concerned persons.

⁷ Amidst of all this is the question of bride price. If dowry has not been completed, the Sudanese spouses' parents may decide to repatriate with their children and grandchildren while also threatening the Ugandan spouse for failure to complete the dowry.

site because repatriation is meant for only Sudanese. Others claim that nationals expressed fear of completion of dowry because of the repatriation exercise which takes away their spouses. In such cases the family is divided and the parents end up fighting for the children or in case of a Sudanese spouse, escaping with the children produced by the marriage. Those that have agreed to settle in Uganda are doing so without legalizing their stay.

Recommendations to the government & all actors

- Put in place proper procedure for handling cases of intermarriage at the time of registration for repatriation or displacement especially where one of the parties is a refugee.
- Establish an office of the marriage registrar within the settlement to allow proper registration of marriages contracted in refugee settlements, as well as the issuance of proper marriage documents.
- The government should commence the Refugee Act 2006 to enable the legalization process of those who are married and wish to stay in Uganda.
- Create an awareness program on the same.

5. Cases unwilling to repatriate

Summary of findings

There are categories of Sudanese refugees who are unwilling to repatriate because the reason for flight still exists in their country of origin. This category of people when talked to seemed unsure of a durable solution available to them. They also have a host of refugee claims which need to be looked into. Whereas others are willing to be relocated to other camps as the settlement is falling vacant, others do not know what should be done to them.

The refugees in a particular village in the settlement expressed their unwillingness to register for repatriation because most of the residents had missed out on the meningitis vaccination owing to the distance of the nearest health centre. They also stated that they are not sure of what the health situation is like back in Sudan as they believe meningitis started from Sudan

Recommendations to the government and UN:

- Identify such cases and act upon them
- Those who wish to integrate; the government should commence the Refugee Act 2006 to initiate the legalization of their stay.
- Those who have protection needs to be looked at by the UN for alternative protection mechanisms.

6. Effect of repatriation on other nationalities in the settlement

Summary of findings

Apart from the Sudanese refugees which constitute the majority population, Rhino Camp also hosts Kenyan, Congolese, Nigerian and Ethiopian refugees. As Sudanese are being repatriated, the other nationalities are sad that their friends are leaving but are also oblivious of their fate after the repatriation exercise. Some of the Congolese refugees want to be repatriated as well as the settlement gradually becomes vacant for fear of intense insecurity problems caused by the lack of people. Others wish to be relocated to other camps as a security measure. The Kenyans in particular also are willing to repatriate on condition that a political dialogue between Kenyan and Ugandan government is conducted as most of them were involved in a rebellion with the former government of Kenya and a failed repatriation attempt.

Recommendations to the government & UN:

- Speed up the re-clustering process
- Bump up other security measures for the protection of the remaining nationalities in face of the reduced numbers.
- Inform the remaining nationalities of the protection strategies available to them.
- For the Kenyans in particular, initiate a dialogue with the Kenyan government for their return home.

7. Livelihood and provision of assistance in the wake of repatriation.

Summary of findings

It was noted that the food rations for refugees in the settlement were being reduced from 9 kilogrammes per person per month to half that amount. UNHCR had also withdrawn sponsorship of students in the settlement. The only students on sponsorship in the settlement were being sponsored by JRS. JRS also maintains sponsorship for students who were initially under their sponsorship but who have been repatriated to Sudan. Further agricultural extension services and provision of agricultural inputs and implements had been cut off for now two years. Some refugees construed these reductions and closure of services as intended to compel them to return, in short as a form of indirect coercion to “voluntarily repatriate”. UNHCR however explained the cuts as resulting from overall budget cuts from the headquarters. The reduction in food rations was explained as resulting from donation deficiencies in WFP. It should be noted that the settlement is dry and has poor soils that can not support arable farming without extension services and application of some agricultural inputs. Most families barely had anything left in their stores for food. Most families did not engage in agriculture arguing that they were waiting to be repatriated yet they have been waiting for close to a year. Several families had exhausted their rations for the month and were going hungry.

Recommendations to government, UNHCR and WFP.

- Maintain a fair food ration policy for refugees still in the settlement if resources can allow.
- Reinstate provision of agricultural inputs and extension services for refugees still in the camp if resources can allow.
- Government, UNHCR and WFP properly explains their constraints in delivering services to the refugees in the settlement to clear the misconception that the reduction and cutoffs in service delivery are a coercion tool undermining the voluntariness of the repatriation programme.

8. Legal aid and counseling provision.

The team identified and offered Legal Aid and counseling services to not more than twenty refugees who were identified as having serious need for the services. Legal Aid could not be provided spontaneously in full as it would require follow up for those cases deserving legal aid. Counseling services were rendered on spot, but also require further follow up. These cases are individual and confidential and can not be discussed in this Briefing paper.

Compliments and miscellaneous observations.

We are so grateful to the Office of the Prime Minister for giving us the permission to visit Rhino refugee settlement camp and co-operating with us in our field visit. Although we did not get the Refugee desk Officer in his office we were well received at the district level and directed by his assistant. It was a pity that the camp commandant declined to have a meeting with us to discuss our findings and the way forward. He suggested that we could only meet with his assistant, but we were unable to trace that person for an appointment

We further commend UNHCR Arua Sub-Office for their openness in handling their tasks and their willingness to openly discuss the state of affairs regarding refugee protection in their jurisdiction. We particularly thank the Head of Office, the Protection officer and Protection Assistants in Arua. We have had useful discussions in every field trip we make to Arua. They always take our findings and suggestions in good faith and try to work around the identified problems.

CONCLUSION:

By and large, the repatriation exercise was smooth and the refugees expressed a great deal of understanding of the voluntary nature of the process. The government however, does need to find a solution to the looming insecurity problems faced in the camp in the face of repatriation and also a durable solution that is pegged to the passing of the Refugee Act 2006 for those who are not willing to repatriate owing to genuine claims, besides, no one can be forced to return.